
State Water Resources Control Board

AMENDMENT TO NOTICE OF PUBLIC HEARING CANCELLING HEARING DATES AND PROCEDURAL RULING

The State Water Resources Control Board
Administrative Hearings Office
has commenced a public hearing
on the petition for change filed by
the City of Solvang

for water-right Permit 15878 (Application 22423),
which authorizes diversions of water from the Santa Ynez River (underflow)
in Santa Barbara County.

**The public hearing began on
November 6, 2023, and continued on November 8 and 9;
The hearing will continue on
December 4, 6, 7, & 13, 2023, beginning at 9 a.m.**

**The previously scheduled hearing days on November 29 and 30, 2023, are
CANCELLED.**

Representatives of parties and other people who want to participate in this hearing may
access these Zoom teleconferences by using the following link and call-in information:

Please access Zoom by using the link:

<https://waterboards.zoom.us/j/92786481140?pwd=b2xXK2ErbTdyenh3ZTFUUEJvSHdZQT09> with Meeting ID: 927 8648 1140 and Passcode: 786867

or by calling in at: +16699009128,,92786481140#,,,,*786867# US (San Jose)

**Interested members of the public who would like to watch this hearing without
participating may do so through the Administrative Hearings Office YouTube
channel at:**

<https://www.youtube.com/channel/UCM-gmipRyd7Nw-g8l-C7Nig/videos?view=57>

PURPOSE OF HEARING

The purpose of this hearing is to receive evidence to be considered in determining whether the State Water Resources Control Board (State Water Board or Board) should approve the petition for change filed by the City of Solvang (Solvang) for water-right Permit 15878 (Application A022423), and, if so, whether any new terms or conditions should be added to the permit. The public hearing began on November 6, 2023, and continued on November 8 and 9, 2023. The hearing is scheduled to continue on December 4, 6, 7, and 13, 2023, as needed. For additional information about this proceeding, see the AHO's August 15, 2023 Amended Notice of Public Hearing and October 26, 2023 Amendments to the Notice of Public Hearing.

PROCEDURAL RULING

The hearing officer held a status conference on November 15, 2023. This procedural ruling follows from the status conference.

The hearing officer will allow Solvang to submit surrebuttal testimony and associated exhibits in response to the revised testimony of Bryan DeMucha (CDFW-101 – B. DeMucha Written Testimony 2nd ERRATA). Any surrebuttal testimony and exhibits submitted by Solvang may respond only to the revisions in the second errata to Mr. DeMucha's testimony. Solvang must submit any surrebuttal testimony and exhibits by 11:59 p.m. on November 27, 2023. Any party may submit written evidentiary objections to Solvang's surrebuttal testimony and exhibits by 11:59 p.m. on December 1, 2023, and Solvang may submit a written response to any objections by 11:59 p.m. on December 6, 2023.

The hearing officer has **cancelled** November 29 and 30 as hearing dates in this proceeding. The hearing in this matter will continue on December 4, 2023, starting at 9:00 a.m., and continue as needed on December 6, 7, and 13. The hearing officer will enforce a hard stop by 5:00 p.m. on each day of the hearing.

The hearing on December 4 will begin with a summary of the revised case-in-chief testimony and cross-examination of Mr. DeMucha. After Mr. DeMucha's testimony, Solvang will present its rebuttal witnesses. Any oral summary of testimony by Tim Nicely should include both his rebuttal and any surrebuttal testimony. Other parties may then cross-examine Mr. Nicely about both his rebuttal and surrebuttal testimony. If time allows on December 4 after the presentation of Solvang's rebuttal witnesses, the hearing officer will invite Solvang to offer its case-in-chief, rebuttal, and cross-examination exhibits into the evidentiary record and will address objections from any other party to the admission of those exhibits.

On December 6 (or December 7, if necessary) CDFW will present its rebuttal witnesses who will then be available for cross-examination, with the exception of Kyle Evans. The hearing officer understands that Mr. Evans is not available on December 4, 6, or 7, and therefore will testify on December 13. If Mr. Evans' availability changes, the hearing

officer would prefer to schedule Mr. Evan’s testimony on a hearing day before December 13. Also on December 6 (or December 7, if necessary), CalTrout will present its rebuttal witness who will then be available for cross-examination.

On December 13, the hearing officer intends to hear the testimony of Mr. Evans and Mr. Bush, after which CCRB will have the opportunity to make an opening statement and present its two rebuttal witnesses.

HEARING SCHEDULE AND DEADLINES

Deadlines / Schedule	Date and Time
Deadline for parties to file written evidentiary objections to Solvang’s surrebuttal testimony and associated exhibits.	December 1, 2023, by 11:59 p.m.
Additional hearing days (as necessary).	December 4, 6, 7, & 13, 2023, at 9:00 a.m.
Deadline for parties to file responses to written evidentiary objections to Solvang’s surrebuttal testimony and associated exhibits.	December 6, 2023, by 11:59 p.m.
Deadline for parties to submit closing briefs.	January 12, 2024, by 11:59 p.m.

Date: November 22, 2023

/s/ Nicole Kuenzi
 Nicole Kuenzi
 Presiding Hearing Officer

Attachment:
 -Service List

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